APHC010542962005

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 21951/2005

Between:

Smt. K. Lakshmi, Krishna District. **...PETITIONER**

AND

The A P State Road Transport Corporation And 2 Others and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. KIRTHI TEJA KONDAVEETI

Counsel for the Respondent(S):

1. SOLOMON RAJU MANCHALAFOR (APSRTC)

The Court made the following:

ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner's husband was working as a conductor since the year 1967. The petitioner's husband was charged with the following misconducts:

> 1. You stopped the Bus No.AP 9 Z 6233 with passengers at Machilipatnam on 23.11.1997 on the ground it was raining without obtaining orders of the higher

> authorities and the same amounts to misconduct as per regulation No.28 (XXXII) of 1963 A.P.S.R.T.C. Employees Service Regulations.
> 2. You yourself stopped the bus on 23.11.1997 at Machilipatnam without informing the depot officers and the same amounts to misconduct as per Regulation No.28 (XXII).
> 3. As you have not attended the duty assigned to you as per Rules, the Corporation incurred loss to the extent of Rs.2,574/- and the same amounts to misconduct as per Regulation 28 (IX) (B).
> 4. On 24.11.1997 you have left Avanigadda after returning Avanigadda without obtaining orders from the higher officers and the same amounts to misconduct as per Regulation 28 (XXXI).

3. Learned counsel for the petitioner submits that the charges framed pertaining to stopping of the vehicle without permission of the officers on the ground that the wiper is not functioning has to be attributed to the driver who drives the vehicle. However, the charges were framed against the petitioner's husband for dereliction of duties on 23.11.1997. He further submits that those charges cannot be attributed to the petitioner's husband as he is not driving the vehicle. On those charges, the disciplinary authority has imposed the punishment of removal from services. Aggrieved by the same, the petitioner filed the I.D. before the labour Court, whereby the labour Court has set-aside the order of removal and directed the reinstatement and also granted continuity of service with back wages @ 25% from the date of suspension till the date of the award. The labour Court has considered the issue in totality and also held that the petitioner's husband was not on duty during that period, as such granted 25% of the back wages.

4. Learned counsel for the petitioner further submits that the petitioner's husband passed away on 12.06.2005 and as such she filed the Writ Petition as the wife of the deceased employee, challenging the award to the extent of denial of 100% back wages.

5. The role of the petitioner's husband as a conductor in the bus would be limited to issuance of tickets to the passengers and to collect fare from them.

6. It is not a case where the petitioner was charged with cash and ticket irregularity. Very strange charges were framed against the petitioner's husband though he was not responsible for stopping the bus. The incident took place in the year 1997 and in those days the mobile phones service was also not available for use by the public. The charges framed against the petitioner's husband are purely due to non application of mind by the concerned officers of the respondent-Corporation.

7. In view of the illogical charges framed and the irrational manner in which the petitioner's husband was removed from services, the labour Court has rightly directed the reinstatement. The petitioner's husband was not on duty for no fault of his. As such the petitioner's husband is to be entitled for 100% back wages. Hence, the award is modified to release balance 75% of the back wages to the petitioner within a period of six (6) weeks, from today.

8. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

HARINATH.N,J

MH
12.09.2024

THE HONOURABLE SRI JUSTICE HARINATH.N

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